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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,677	02/12/2001	Mark C. Pace	19538-05784	8995
758	7590	11/02/2005	EXAMINER	
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			STERRETT, JONATHAN G	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/782,677

Applicant(s)

PACE ET AL.

Examiner

Jonathan G. Sterrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-75 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Summary*

1. **Claims 1-75** are pending in the application.

## DETAILED ACTION

2. This **Non-Final Office Action** is responsive to applicant's amendment filed October 6, 2005. Applicant's amendment of October 6, 2005 amended **Claims 1, 23, 45, 46 and 75**. Currently **Claims 1-75** are pending.

### *Response to Arguments*

3. Applicant's arguments filed on October 6, 2005 have been fully considered but they are not persuasive.

The applicant argues in that McDonough does not anticipate the cited limitation **where each service location is a physical location in a business establishment**, because McDonough's invention address service locations that are remote.

The examiner respectfully disagrees.

The examiner would like to point out to the applicant that the MPEP (2111[R]) is very clear that "though understanding the claim language may be aided by explanations contained in the written description, **it is important not to import into a claim limitations that are not part of the claim** (*emphasis added*). For example, a particular embodiment appearing in the written description may not be read into a claim when the claim language is broader than the embodiment."); *E-Pass Techs., Inc. v. 3Com Corp.*, 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003).

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As noted in the last office action, the claim limitations cited in the body of the claims are fully anticipated by the cited prior art of McDonough and Acres.

The claim limitations as cited are disclosed by McDonough in column 8 line 49-51 where the message from the context manager is directed at a plurality of service locations. A person in McDonough's call center receiving an email or a telephone call would be receiving a message indicating the service location, i.e. telephone or terminal, where the customer event is to be serviced, e.g. answer the telephone or respond to an email (Figure 3 #340 and #342, workstation and employee telephone).

The claim does not cite that the attendant must be at the geographic location in a casino to service the event, but rather that the message indicates the service location.

Furthermore, as per Webster's II Dictionary (1988 edition) an attendant is defined as "One who attends or serves another". Using this definition, the web server, fax server, email server and PC direct server (column 8 line 49-52) are all attendants who provide service, in addition to the human attendants in a call center.

Since the context manager in McDonough's invention is routing customer contacts to an appropriate resource (column 7 line 61-63), the message has to indicate which resource (i.e. service attendant) will handle the contact (i.e. indicate service location). Thus, the message would indicate the service location in terms of it being the web server, fax server, email server, PC direct server, or human attendant.

The amended limitation of "**where each service location is a physical location in a business establishment**" does not add patentable weight to the claim but rather cites intended use. The MPEP sets forth in 2111: ("**where a patentee**

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**defines a structurally complete invention in the claim body and uses the preamble only to state a purpose or intended use for the invention, the preamble is not a claim limitation");** Kropa v. Robie, 187 F.2d at 152, 88 USPQ2d at 480-81

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1, 2, 7-10, 12-14, 17-21, 23, 24, 29-32, 34-36, 39-43, 45-47, 52-61, 66, 68-71 and 75** are rejected under 35 U.S.C. 102(e) as being anticipated by McDonough US Patent 6,070,142.

Regarding **Claim 1**, McDonough discloses:

**a system for providing service to customers at service locations, each service location having a communication device adapted to communicate one or more events pertaining to a service event for a customer at the service location** (Figure 3 #350, #354, #358, #356, #352, are all customer service locations which can communicate one or more events pertaining to a service event), the system comprising:

**a decisioning system communicatively coupled to the communication devices** (Figure 3 #360 routing engine) **to receive the events** (column 9 line 37-38, service provider uses decision logic to determine customer needs),

**the decisioning system scheduling a primary service attendant from a plurality of service attendants for servicing each event** (column 12 line 4-5, system assigns resource based on requirements and characteristics; column 8 line 25-26, VRU assigns call to employee. McDonough discloses a call center where there are a plurality of service attendants –see column 8 line 48-50, employee workstation & column 8 line 7 resource profiles identified of employees to handle calls, column 9 line 1, employees in call center). As per Webster's II as discussed above, the various servers in column 8 line 49-53 also comprise a plurality of service attendants.

**according to at least a value of the customer at the service location that generated the event** (column 12 line 36-38, system allocates resource levels to deliver desired customer experience);

**a communication system communicatively coupled to the decisioning system to transmit a message to the primary service attendant selected for an event** (column 8 line 53-56 context manager routes contacts between many different resources, these resources constitute different attendants), the message indicating the service location at which the event is to be serviced (column 8 line 49-52, service locations); **and**

**a plurality of message receivers, used by the service attendants, the primary service attendant using a message receiver, to receive the message from**

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**the communication system** (Figure 3 #340, phone and #342, workstation both receive messages from communication system. Column 8 line 49-50, there are a number of employee workstations (i.e message receivers) that are used by service attendants, including the primary attendant tasked with receiving a call (i.e. message) from the context manager –see column 8 line 38-40 and Figure 3).

Regarding **Claim 2**, McDonough discloses wherein the customer value is based on potential revenue generated by the customer (column 12 line 33-34, customers valued based on profitability)

Regarding **Claim 7**, McDonough discloses wherein the decisioning system uses a plurality of rules for scheduling the events for service (column 12 line 30-32, rule-based routing allows customer preferences to be met).

Regarding **Claim 8**, McDonough discloses wherein the rules include: at least one rule for scheduling events according to an age of the event (column 4 line 9, context manager provides management over life of event).

Regarding **Claim 9**, McDonough discloses wherein the rules include: at least one rule for scheduling events according to a type of event (column 4 line 55-56, rules based on customer activity).

Regarding **Claim 10**, McDonough discloses wherein the rules include: at least one rule for scheduling events according to a location of the service location (column 8 line 34-36, service locations originating events).

Regarding **Claim 12**, McDonough discloses wherein the rules include: at least one rule for selecting a service attendant for servicing an event based on a location of the service location (column 8 line 34-36, service locations originating events) which generated the event and an assigned location of the service attendant (column 11 line 64-67, rules determine what resource will handle event).

Regarding **Claim 13**, McDonough discloses wherein the rules include: at least one rule for messaging a supervisor of the primary service attendant if the primary service attendant has not completed servicing the event in a certain amount of time (column 9 line 1-2, availability of employees and overflow management).

Regarding **Claim 14**, McDonough discloses wherein the rules include: at least one rule for scheduling events according to an age of the event (column 4 line 9, context manager provides management over life of event); at least one rule for scheduling events according to a type of event (column 4 line 55-56, rules based on customer activity); at least one rule for scheduling events according to a location of the service location (column 8 line 34-36, service locations originating events); and at least one rule for selecting a service attendant for servicing an event based on a location of



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the service location (column 8 line 34-36, service locations originating events) which generated the event and an assigned location of the service attendant (column 11 line 64-67, rules determine what resource will handle event).

Regarding **Claim 17**, McDonough discloses

**wherein the communication system is a two-way messaging system**

**whereby the message receivers can transmit and receive messages.**

Figure 3 #370 CTI, #340 employee telephone, #342 employee workstation; these devices are two way messaging systems that can transmit and receive messages, #340 and #342 are two-way message receivers that can transmit and receive messages.

Regarding **Claim 18**, McDonough discloses wherein: the primary service attendant can accept or decline to service an event using the two-way message receiver (Figure 3 #342, employee workstation where employee can decline routing of service request from #370 CTI) and Wherein: in response to the primary service attendant declining to service an event (column 8 line 9, server provides status of resource availability, including service attendant declining service), the decisioning system selects a secondary service attendant for servicing the event (column 12 line 7-8 overflow can be assigned to resource with the required skills), and the messaging system transmits a message to the secondary service attendant to service the event (column 8 line 20-21, call routed to another resource based on routing rules).

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Regarding **Claim 19**, McDonough teaches wherein: the primary service attendant can accept or decline to service an event using the two-way message receiver (Figure 3 #342, employee workstation where employee can decline routing of service request from #370 CTI), and wherein: in response to the primary service attendant accepting to service an event, the decisioning system establishes the primary service attendant as being unavailable to service another event until the primary service provider completes service of the accepted event (column 8 line 13-15, if server indicates resource is not available to service event, then overflow management occurs).

Regarding **Claim 20**, McDonough discloses wherein the decisioning system monitors the time taken to service each event (Figure 8 #826 performance feedback), and responsive to time taken to service an event exceeding a threshold amount (column 7 line 57, if customer hangs up with waiting on hold) , the decisioning system selects an employee to notify of the incomplete service (column 7 line 55-56, CTI system captures information; Figure 3 #342, message transmitted back to workstation), and instructs the messaging system to transmit a message to the selected employee (column 7 line 56, information captured about abandoned calls is transmitted to employee; column 7 line 59-60, employees can call customers back and offer to be of service).

Regarding **Claim 21**, McDonough discloses. a customer database (Figure 7, DBMS, #706 customer, column 4 line 4 customer information database), communicatively coupled to the decisioning system (Figure 7 #702 Context Manager)

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and containing customer records indicating for each customer a measure of the customer's value and the customer's identification number (Figure 7 #706 customer record), the decisioning system receiving from a service location a customer identification number and querying the customer database with the received customer identification number to obtain the measure of the customer's value (column 7 line 25, customer is profile identified by VRU; column 12 line 14-16, service levels provided are based on customers relationship), the decisioning system scheduling the event for service according to the obtained customer value (column 12 line 36-38, customer segmentation to allocate resources to deliver desired customer experience, based on profitability of customers).

**Claims 23, 24, 29-32, 34-36, 39-43, 45-47, 52, 53, 55-61, 66, 68-71 and 75**

recite limitations already addressed by the rejection of **Claims 1, 2, 7-10, 12-14 and 17-21** above, therefore the same rejection applies.

Regarding **Claim 54**, McDonough discloses wherein the message from the first service attendant is transmitted from a communication device fixed at the service location (Figure 3 #354 web server is fixed).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 3-6, 11, 22, 25-28, 33, 44, 48-51, 62-65, 67, 72 and 73** are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonough US Patent 6,070,142 in view of Acres US Patent 6,257,981.

Regarding **Claims 3-6**, McDonough teaches segmenting customer value based on profitability, that is, more profitable customers are valued more highly than less profitable customers (column 12 line 38-41). McDonough does not teach valuing customers specifically based on theoretical win profile, a room rate of a room occupied by a customer, a room type of a room occupied by the customer, a number of persons in a party associated with a customer. Acres teaches basing customer value on the customer's theoretical win profile (column 29 line 21, theoretical wins calculated exactly per customer), as per **Claim 3**, and a number of persons in a party associated with the customer (column 20 line 36-38, buses and groups can be measured as to their profitability due to individual player tracking of each group), as per **Claim 6**. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of McDonough to include valuing a customer based on theoretical win profile and number of persons in a party associated with the customer, as taught by Acres, because it would improve casino profitability by enabling casinos to better identify and exploit the drivers of their profitability. The examiner takes official notice that it is common for casinos to incorporate hotels into their gaming complex. It would then be

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obvious for casinos to base customer value on a customer's room rate, as per **Claim 4**, and room type, as per **Claim 5**, because a customer would be more profitable to the casino if they were guests in a more expensive room or in a more expensive type of room. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the collective teachings of McDonough and Acres, as taught above, with valuing customers based on their room rate, as per **Claim 4**, and room type, as per **Claim 5**, because it would better help the casinos target customers for bonuses who were (column 3 line 26) valued and thereby improve casino profitability by encouraging those customers for more gaming play (column 7 line 3-4, promotional campaigns target individual customers based on their gaming transactions).

Regarding **Claim 11**, McDonough teaches segmenting service based on customer value (column 12 line 36-38) and providing service to customers that is fast (column 13 line 51, fast and easy manner). McDonough does not teach wherein the rules include: at least one rule for scheduling events according to a combination of an age of the event and a value of the customer. Acres teaches wherein the rules include: at least one rule for scheduling events according to a combination of an age of the event (column 26 line 5-7, minimum activity level by player in order to be awarded a bonus jackpot; column 28 line 61-63, time and duration of play to used in determining bonusing) and a value of the customer (column 28 line 67, bonusing provided to certain individual players based on their playing profile). Acres teaches its player tracking system allows the casino to modify and tailor their gaming to match players tastes and

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demands (column 29 line 18-19). Acres teaches its player tracking system helps improve profitability (column 3 line 43, measuring profitability; column 7 line 3-4, allows promotions to be run which encourage more gaming play by customers). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of McDonough to include scheduling an event according to the age of an event and value of the customer, as taught by Acres, because it would improve casino profitability by better scheduling events in the form of promotions or bonuses to valued customers in order to increase their play time.

Regarding **Claim 22**, McDonough teaches a database containing customer identification information including addresses and unique account numbers. McDonough does not teach wherein each service location includes a customer identification card reader, for reading a customer identification number from a customer identification card. Acres teaches wherein each service location includes a customer identification card reader (column 12 line 1, section titled "card reader"; Figure 2 #100, card reader), for reading a customer identification number from a customer identification card (column 13, line 65-66, unique player identification number). Acres teaches that having a card reader improves the casino's ability to track customer play and tailor promotions and targeted mailing campaigns for the customer (column 20 line 26-39, player tracking helps casino use special database to target high value customers for future trips). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of McDonough to include reading a customer ID

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number from each service location using a card reader, as taught by Acres, because it would help the casino better track individual player activity to develop targeted mailing campaigns and improve casino profitability.

**Claims 25-28, 33, 44, 48-51, 62-65, 67, 72 and 73** recite limitations already addressed by the rejection of **Claims 3-6, 11, 22**, therefore the same rejection applies.

7. **Claims 15, 16, 37, 38 and 74** are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonough US Patent 6,070,142 in view of Boushy US Patent 6,003,013.

Regarding **Claim 15**, McDonough teaches:

a system for valuing customers based on their profitability to a business (column 12 line 36-39).

McDonough does not teach:

**wherein the service locations are gaming machines, and the communication devices are interface boards coupled to the gaming machines, which communicate game events to a gaming machine management system.**

Boushy teaches:

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**wherein the service locations are gaming machines** (column 6 line 33-34, invention applies to all gaming machines & tables; Figure 14 #130 slot machine), **and the communication devices are interface boards coupled to the gaming machines** (column 5 line 50-51, all gaming activity routed to computer; Figure 14 #708 Game Monitoring Unit), which communicate game events to a gaming machine management system (Figure 14 #262, connected to slot monitoring system).

Boushy teaches his system provides an integrated way to recognize customer value in terms of the customer's worth to the casino.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the customer valuation system which deploys service resources to handle highest value customers first, as taught by McDonough, to include service locations that are gaming machines where interface boards at those gaming machines communicate game events to a gaming machine management system, as taught by Boushy, for the purpose of increasing profitability by targeting service to those customers providing the highest profitability to the casino.

Regarding **Claim 16**, McDonough teaches a system for valuing customers based on their profitability to a business (column 12 line 36-39).

McDonough does not teach:



**wherein the gaming machines are slot machines, and the interface boards communicate slot events to the slot management system.**

Boushy teaches

**wherein the gaming machines are slot machines**

(Figure 14 #130 slot machine)

**and the communication devices are interface boards that communicate slot events to the gaming machine management system**

Figure 14 #708 Game Monitoring Unit (i.e. interface board) communicates slot events to the SMS (Slot Monitoring System); Figure 14 #262, connected to slot monitoring system (i.e. gaming machine management system).

Boushy teaches his system provides an integrated way to recognize customer value in terms of the customer's worth to the casino.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the customer valuation system which deploys service resources to handle highest value customers first, as taught by McDonough, to include service locations that are slot machines where interface boards at those slot machines communicate game events to a slot machine management system, as taught by Boushy, for the purpose of increasing profitability by targeting service to those customers providing the highest profitability to the casino.

**Claims 37, 38 and 74** recite limitations already addressed by the rejection of **Claims 15 and 16**, therefore the same rejection applies.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G. Sterrett whose telephone number is (571) 272-6881. The examiner can normally be reached on Monday-Friday, 8:00AM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGS  
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10/28/2005

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